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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAY 26 1983

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

MAY 26 1983

Mr. George Tyler
Assistant Commissioner for
Environmental Management and Control
New Jersey Department of
Environmental Protection
Labor and Industry Building, Room 805
P.O. Box CN 402
Trenton, New Jersey 08625

Dear Mr. Tyler:

On January 31, 1983, the Environmental Protection Agency (EPA) Region II sent 302 warning letters (sample copies enclosed) to owners and operators of hazardous waste facilities which were not in compliance with EPA's financial responsibility regulations. These regulations became effective in July 1982 and required facilities to demonstrate that funds are available for:

- ° meeting their obligations under the Resource Conservation and Recovery Act (RCRA) for proper closure and post-closure care of their facilities (i.e., "financial assurance"); and
- ° compensating others for bodily injury or property damage caused by accidents arising from operations of the facilities (i.e., "liability insurance").

The following is to summarize industry's compliance to date (or lack thereof) with the Federal financial responsibility regulations. See the enclosed computer printout for a listing of the facilities in compliance with the Federal regulations. Also enclosed is a listing of the facilities within each non-compliance category.

- ° Number of facilities which have submitted all required documents (including those facilities that have utilized the financial test and corporate guarantee methods of compliance) - 279
- ° Number of facilities which demonstrated financial assurance only - 10

N.J. Facilities Which Submitted
Financial Assurance Only
(Total - 10)

<u>EPA I.D. No.</u>	<u>Name</u>	<u>City</u>
NJD000314674	Onyx Division Millmaster Onyx Group	Jersey City
NJD000314682	Lyndal Chemical Division	Lyndhurst
NJD001660786	Datascope Corp.	Oakland
NJD002165371	Inmont Corp. Hawthorne Plant	Hawthorne
NJD002442549	Curtis-Wright	Fairfield
NJD002444958	Inmont Corporation	Middlesex
<u>NJD065815771</u>	Alcan Ingot & Powders	Union
NJD094951258	A. Gross & Company	Newark
NJD095171930	Colonial Printing Ink Company	East Rutherford
NJD095171948	United States Printing Ink	East Rutherford



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

OCT 17 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Koshy
Plant Manager
Alcan Powders & Pigments
901 Lehigh Avenue
Union, New Jersey 07083

Re: Alcan Powders & Pigments
EPA ID No. NJD065815771

Dear Mr. Koshy:

This Warning Letter is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA") and the Hazardous and Solid Waste Amendments of 1984 ("HSWA") 42 U.S.C. §§ 6901, 6928.

Pursuant to HSWA on November 7, 1986, EPA promulgated regulations which prohibited the land disposal of restricted waste. 51 Fed. Reg. 40,572 (November 7, 1986). These regulations are published in 40 CFR Part 268, and amend various sections of 40 CFR Parts 260-265 and 270. They became effective on November 8, 1986.

The State of New Jersey is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926. However, the authorized State program does not include provisions of HSWA, and regulations promulgated thereunder. EPA has the sole authority to implement and enforce regulations promulgated pursuant to HSWA, including the land disposal regulations ("LDR").

On or about August 15 and 16, 1989, a duly authorized representative of EPA conducted an inspection of Alcan Powders & Pigments, Union, New Jersey, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. During this inspection, the EPA inspector noted that:

1. 40 CFR § 268.7(a)(1) which is one of the provisions of the LDR, has been violated. Section 268.7(a)(1) requires the following:

Before a generator offers waste subject to the LDR to a treatment facility, the generator must notify the treatment facility in writing of the appropriate treatment standards set forth in Subpart D of 40 CFR Part 268.

The notice must include the following information:

- (i) EPA Hazardous Waste Number;
- (ii) The corresponding treatment standards and all applicable prohibitions set forth in § 268.32 or RCRA section 3004(d);
- (iii) The manifest number associated with the shipment of the waste; and
- (iv) Waste analysis data, where available.

At the time of the above referenced inspection, several manifest copies were found to be without the required notice. EPA requires adherence to its regulations. If you have not already done so, you must take immediate remedial action to implement the regulations published in 40 CFR Part 268. You must submit within thirty (30) days of the receipt of this letter, documentation, and a description of the actions you have taken to correct the violations noted above and to implement the regulations published in 40 CFR Part 268.

Failure to comply with the requirements of this Warning Letter may subject you to penalties of up to twenty-five thousand dollars (\$25,000) for each day of noncompliance in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions regarding this matter, please contact Mr. James Sullivan, of my staff at (212) 264-6150.

Sincerely yours,

George C. Meyer, P.E., Chief
Hazardous Waste Compliance Branch

cc: Wayne Howitz, Assistant Director
Hazardous Waste Enforcement
New Jersey Department of
Environmental Protection

bcc: L. Livingston, PAB
G. Meyer, AWM-HWC
J. Sullivan, AWM-HWC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

NOV 21 1989

Mr. Thomas Koshy
Plant Manager
Alcan Powders & Pigments
901 Lehigh Avenue
Union, New Jersey 07083

RE: Alcan Powders & Pigments
NJDO65815771

Dear Mr. Koshy:

Your submittal in response to the warning letter dated October 17, 1989 has been deemed satisfactory. Your company has been entered in our Data Management System as having achieved physical compliance with the violation cited in the above referenced letter. This matter can now be considered concluded and the enforcement action resolved.

Please be advised your facility is under the continuing obligation to comply with all the applicable state and federal regulations regarding the management of hazardous waste. Subsequently, if your facility should be found in violation of the regulation in the future, you may be subject to escalated enforcement action, including monetary penalties. If you have any questions contact James Sullivan at (212) 264-6150.

Sincerely yours,

George Meyer, P.E., Chief
Hazardous Waste Compliance Branch

cc: Wayne Howitz
Assistant Director
Hazardous Waste Enforcement
New Jersey Department of
Environmental Protection

bcc: L. Livingston, PAB
G. Meyer, AWM-HWC
J. Sullivan, AWM-HWC

Alcan Powders and Pigments

Division of Alcan Aluminum Corporation



901 Lehigh Avenue, Union, New Jersey 07083-0746

~~Mailing Address: Box 2900 Elizabeth, New Jersey 07208-2900~~

Direct #201-851-4528

Handwritten: 11/7/89 a.m.
Signature: [Signature]

November 9, 1989

Certified Mail #3713912

George C. Meyer, P.E. Chief
United States E.P.A.
Region II
Jacob K. Javits Federal Bldg.
New York, N. Y. 10278

89 NOV 14 AM 11:36
HAZARDOUS WASTE
COMPLIANCE BR.
EPA REGION II
AGENCY ROOM

Re: WARNING LETTER/ALCAN POWDERS & PIGMENTS
EPA ID# NJD065815771

Dear Mr. Meyer:

We are in receipt of your October 17th letter in reference to Alcan's failure to comply to the LDR requirements of "HSWA" and 40 CFR part 268.7. A review of our files confirms the observations of the inspector. The waste in question was one of several small lab pack chemicals generated as one-time only shutdown of our R & D Lab.

The individual involved in manifesting the waste is no longer with the company, but advises that he was unaware of Federal provisions in this area, and was guided by State statutes.

We have faithfully carried out our RCRA responsibilities in the past, and we fully intend to do so in the future. It would appear that our people were not aware or prepared for handling this non-routine lab pack. While ignorance is no excuse for failing to comply, we deeply apologize for our mistake.

We don't expect to be shipping any more listed wastes, however, to ensure that this does not re-occur, the following action has been taken:

1. Where needed, revised regulations have been secured.
2. I will schedule my Plant Coordinator to attend a training program that fully explains the HSWA anecdotes.
3. Since our Plant's waste shipments are less than six per year, I plan to personally follow-up.

I hope you find our actions appropriate. Please advise if there is anything else required of us to resolve this matter. We assure you that we fully intend to take action not to have a repeat incident.

If you have any other questions, please contact me at 201-851-4528, or our Safety Coordinator, Marty Catapane, at 201-851-4558.

Yours truly,



T. Koshy
Plant Manager

TK:dg

cc: Wayne Howitz, Asst. Director
Hazardous Waste Enforcement
New Jersey Department of Environmental Protection

E. Daver
M. Catapane